REMARKS

This is a response to the Non-Final Office Action mailed on July 16, 2007. Claims 2-5, 8, 9, 17-26, 29, 33-41 and 45-50 are currently pending. Claims 2-5, 8, 9, 17-26, 29, 33-41 and 45-50 are currently rejected. Claims 2, 8, 22, 38-41, 45-50 are amended. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Claim Rejections – 35 USC § 101

Claims 38-41 and 45-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter. Independent Claim 38 has been amended to recite a machine-readable storage medium and thus is now directed to statutory subject matter. Therefore, Amended Claim 38 should now be allowed. Amended Claims 39-41, and 45-48 deepened from Amended Claim 38 and should be allowed for substantially similar reasons.

Claim Rejections – 35 USC § 103

Claims 2-5, 17, 18, 22-24, 29, 33, 34, 38-41, 45 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (6,360,256) in view of McCanne (6,785,704). Applicants respectfully disagree.

The Office Action admits that Lim does not teach or suggest "determining whether to delegate delivery of the resources to a content delivery network," as recited by Amended Claim 2. Moreover, neither Lim nor McCanne teaches or suggests "determining ... based on the determination for optimally balancing the load across the plurality of servers and a pool load-balancing setting," as recited by amended Claim 2. This element is taught by the Specification. See e.g., Specification, p. 30 ("the virtual server pool and CDN pool use a ratio load-balancing method ..."); Table 5; See also p. 5-6, Figures 15, 18, 19. While Lim and McCanne teach using load balancing in some form, neither references teach this element of amended Claim 2. For

example, McCanne discloses that "the redirector node routes the client to the most appropriate server based on load and network measurements." McCanne, col. 13, lines 41-43. But McCanne does not disclose "determining whether to *delegate* delivery of the resources to *a content delivery network*" based on the load and/or the network measurements. At least for these reasons, Lim in view of McCanne does not make obvious Amended Claim 2. Therefore, Amended Claim 2 should now be in condition for allowance.

Amended Independent Claims 22, 38, 49, and 50 recite similar, albeit different limitations. Thus, for at least substantially similar reasons as for Amended Claim 2, Amended Claims 22, 38, 49, and 50 should also be allowed.

Moreover, dependent Claims 4-5, 17, 18; 23-24, 29, 33, 34; 37-41, and 45 depend from Amended Independent Claims 2, 22, and 38, respectively. Thus, these dependent claims should be allowed for at least substantially similar reasons as for their independent claims.

Additionally, Claims 8, 9, 19-21, 25, 26, 35-37 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of McCanne and further in view of Jindal et al (6,092,178). Applicants respectfully traverse this rejection. Claims 8, 9, 19-21; 25, 26, 35-37; and 46-48 depend from Amended Independent Claims 2, 22, and 38, respectively. As discussed above, Amended Independent Claims 2, 22, and 38 are not obvious based on Lim in view of McCanne. Moreover, Jindal does not teach or suggest these independent claims obvious. Thus, dependent Claims 8, 9, 19-21; 25, 26, 35-37 should be allowed for at least substantially similar reasons as for their independent claims.

CONCLUSION

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

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